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9 **UNITED STATES DISTRICT COURT**

10 EASTERN DISTRICT OF CALIFORNIA

11 JOSEPH J UPCHURCH,

12 Plaintiff,

13 v.

14 INTERNATIONAL UNION OF PAINTERS
15 AND ALLIED TRADES INDUSTRY
16 PENSION PLAN, et al.,

17 Defendants.

Case No. 1:25-cv-00813-SAB

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA

18 On March 20, 2025, Plaintiff Joseph J. Upchurch, proceeding pro se and having paid the
19 civil filing fee in full, filed this civil action against two Defendants: (1) International Union of
20 Painters and Allied Trades Industry Pension Plan and (2) Northern California Glaziers,
21 Architectural Metal and Glassworkers Pension Trust Fund. (ECF No. 1.) Plaintiff's complaint
22 alleges the action arises under the Employee Retirement Income Security Act of 1974
23 ("ERISA"). Plaintiff states venue is proper, "as Plaintiff resides in Stanislaus County, within the
24 Fresno Division of the Eastern District of California." (Id. at 1; ECF No. 1-1 at 1.)

25 As an initial matter, the Local Rules require that all civil actions arising in Stanislaus
26 County be commenced in the United States District Court sitting Sacramento, California. See
27 L.R. 120(d). There is no indication from the allegations in Plaintiff's complaint that this action
28 arose in any county sitting in the Fresno Division.

1 Plaintiff also alleges venue is proper pursuant to 29 U.S.C. § 1132(e)(2), which provides
2 that ERISA actions “may be brought in the district where the plan is administered, where the
3 breach took place, or where a defendant resides or may be found....” Although the district where
4 the plan is sought, where the breach took place, and where either Defendant resides or may be
5 found is unclear from Plaintiff’s complaint, the Court finds the action has not been commenced
6 in the proper court. Given Plaintiff clearly intended to file this action in the division governing
7 Stanislaus County where he resides, the Court finds good cause to transfer this action to the
8 Sacramento Division pursuant to Local Rule 120(f). By transferring this action, the Court only
9 finds that the Fresno Division is not the proper division in which Plaintiff intended to commence
10 this action. The Court otherwise makes no finding as to whether venue is proper in the
11 Sacramento Division or the Eastern District of California.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. This action is transferred to the United States District Court for the Eastern
14 District of California sitting in Sacramento; and
15 2. All future filings shall refer to the new Sacramento case number assigned and
16 shall be filed at:

17 United States District Court
18 Eastern District of California
19 501 “I” Street, Suite 4-200
20 Sacramento, CA 95814

21 IT IS SO ORDERED.

22 Dated: July 8, 2025



23 STANLEY A. BOONE
24 United States Magistrate Judge
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